



SDMS DocID

2183999

**WASTE MANAGEMENT**1001 Fannin, Suite 4000
Houston, TX 77002criegle@wm.com
713.394.5330 direct

June 3, 2013

Maria Goodine (3HS62)
Bonnie A. Pugh
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Via Electronic Mail and/or Overnight Mail

Re: WMPI's Response to EPA's Required Submission of Information, Lower Darby Creek
Area Superfund Site, Operable Unit 1 – Clearview Landfill, Darby Township, Delaware
County and Philadelphia, Pennsylvania Dated February 21, 2013

Dear Ms. Goodine and Ms. Pugh:

Please find enclosed Waste Management of Pennsylvania, Inc.'s ("WMPI") response to the above-referenced EPA's Required Submission of Information. Per your e-mail agreements of March 18, 2013 and April 15, 2013, WMPI was granted an extension to respond to the Request by June 3, 2013.

Please do not hesitate to contact me at (713) 394-5330, if you have any questions.

Sincerely,

Catherine Riegler Finley

Enclosure.

I. PRELIMINARY STATEMENT

EPA's Required Submission of Information ("RFIs") were addressed and misdirected to Waste Management, Inc. Waste Management, Inc. is a holding company and all operations are conducted by its subsidiaries. Waste Management, Inc. is not the proper respondent to these RFIs. The Responses below are made on behalf of the related entity, if any, that is the successor-in-interest to the entity(ies) in question.

Waste Management of Pennsylvania, Inc. ("WMPI") denies any liability arising from any use of the Site, and the response below shall not be construed as an admission or waiver of any of WMPI's rights, defenses or claims, all of which are specifically reserved herein.

It should also be noted that the RFIs seem to seek information regarding the Site from 1958 to 1976. Therefore, any knowledge and documents regarding this Site are minimal and responses are a compilation of best recollections.

Without waving any rights, claims, defenses, objections, or privileges, WMPI or any of its affiliates, officers, directors, or employees may have, WMPI responds to EPA based upon information currently available to it. WMPI retains the right to supplement its answers to these questions if, and when, more information becomes available in the future.

II. GENERAL OBJECTIONS

WMPI asserts the following privileges, protections, and objections with respect to RFIs ("General Objections"):

1. WMPI asserts all privileges and protections applicable to documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation or in allocation processes, the settlement communication protection, joint defense privilege, and any other privilege or protection available to it under law. WMPI objects to the RFIs to the extent they seek privileged information.
2. WMPI asserts that the information being provided herein is confidential business information within the meaning of 40 C.F.R. § 2.203(b), and is therefore subject to the protections set forth in 40 C.F.R. Part 2, Subpart B. WMPI objects to the RFIs to the extent they seek the disclosure of information subject to, and which would be in violation of, confidentiality agreements.
3. WMPI objects to the RFIs to the extent they seek to require WMPI, if information responsive to the RFIs is not in its possession, control, or custody, to identify any and all persons whom "have knowledge" or were employees of the entities requested.

This request is overly broad and WMPI is not otherwise in a position to identify all such persons who may have such information.

4. WMPI objects to the RFIs to the extent they seek to require WMPI to provide information that is not within its possession, control, or custody.
5. WMPI objects to the RFIs as EPA has no authority to impose a continuing obligation on WMPI to supplement these responses. WMPI will comply with any lawful future requests that are within EPA's authority, and WMPI reserves the right to supplement its responses.
6. WMPI objects to the RFIs to the extent they seek confidential information, the disclosure of which would violate certain confidentiality agreements.
7. WMPI objects to the RFIs to the extent they are in violation of federal or state privacy laws.
8. WMPI objects to the definition of the term "provide" to the extent it seeks information outside the possession, custody, or control of WMPI, and as being unduly burdensome to the extent it requires detailed descriptions of documents, the contents of which speak for themselves. WMPI also objects to the definition of the term "provide" to the extent it encompasses home addresses of natural persons. Subject to this objection, current WMPI employees and any other natural persons are identified by name and corporate address. WMPI requests that any contacts with WMPI employees identified in these responses or the related documents be initiated through Catherine Riegle Finley, Esq. of Waste Management.
9. WMPI objects to the definition of "documents" to the extent it extends to documents not in WMPI's possession, custody or control. WMPI disclaims any responsibility to search for, locate, and/or provide EPA copies of any documents known by WMPI to exist but not in WMPI's possession, control, or custody.
10. WMPI objects to the definitions of "generator" and "transporter" as overbroad and assuming facts not in evidence.
11. WMPI objects to the definitions of "release," "pollutant or contaminant" and "waste(s)" as overbroad, assumes facts not in evidence, vague and ambiguous.
12. WMPI objects to the definition of "site" or "facility" as overbroad and assumes facts not in evidence.
13. WMPI objects to the definition of "you" and "your" as overbroad. WMPI will only respond with respect to WMPI.
14. WMPI objects to the scope of all definitions to the extent they seek information that is privileged, work product, or subject to confidentiality agreements or provisions that preclude disclosure of such information.
15. WMPI objects generally to the RFIs to the extent they are overbroad, unauthorized by law to the extent they are overbroad, unreasonable, unduly burdensome, and/or unauthorized by the provisions of Section 104(e) of CERCLA.

III. RESPONSES TO REQUESTS FOR INFORMATION

Subject to its preliminary statement and the general and specific objections noted below, and without waiving these or other available objections, Waste Management of Pennsylvania, Inc. ("Respondent" or "WMPI"), submits the following in response to the U.S. Environmental Protection Agency's ("EPA") CERCLA Section 104(e) Requests for Information ("RFIs"), pertaining to the Clearview Landfill ("Site"). These responses were prepared by Catherine Riegle Finley, Senior Legal Counsel, Waste Management, 1001 Fannin, Suite 4000, Houston, TX 77002.

The following questions relate to the entity known as Maritime, a/k/a Maritime Ship Building or Maritime Waste (collectively, "Maritime").

1. Describe "Maritime's" corporate history in detail. Your answer should include:
 - a. The date and state of "Maritime's" incorporation, or if it is not incorporated, the date and state of "Maritime's" formation;
 - b. "Maritime's" full and correct corporate or business name;
 - c. A list of "Maritime's" shareholders, directors, officers or members.

Response: WMPI incorporates by reference its Preliminary Statement and General Objections. WMPI further objects to the request as overbroad and assumes facts not in evidence. Subject to and without waiving its objections, upon information and belief and after reasonable good faith investigation, WMPI did not purchase, acquire or merge with and is not liable for 1958-1976 waste disposal activities of Maritime a/k/a Maritime Ship Building or Maritime Waste at the Site.

2. Please provide any and all information and records regarding your purchase or acquisition of, or merger with "Maritime," or the purchase or acquisition of, or merger with Maritime by your subsidiaries.
 - a. The purpose of the purchase, acquisition, or merger;
 - b. The date of the sale;
 - c. The sale price;
 - d. A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;
 - e. A list of all waste transportation contracts included or referenced in the purchase or merger agreement;
 - f. A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and
 - g. The names title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.

Response: See Response to RFI 1.

3. List and provide the following information regarding former Maritime employees:
 - a. The names and dates of employment of each of these employees;
 - b. The job title and responsibilities of each of those employees; and
 - c. The current addresses and phone numbers of each of those employees.

Response: See Response to RFI 1.

4. List and provide all records regarding the waste types and quantities transported by Maritime or its successors to Clearview.

Response: See Response to RFI 1.

5. List and provide all records regarding the customers serviced by Maritime or its successors that may have been transported to Clearview. For each of these customers, include the following information:
 - a. The names, addresses and business types of each customer;
 - b. The types and quantities of waste materials generated by each customer;
 - c. How and where the waste materials were collected from each customer; and
 - d. The services in addition to waste pickup and transportation, provided by you to each of these customers.

Response: See Response to RFI 1.

6. Please describe in detail the document and record retention policies of Maritime, Waste Management, Inc. and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Maritime.

Response: See Response to RFI 1.

The following questions relate to the entity known as White Glove Trash Service ("White Glove").

7. Describe "White Glove's" corporate history in detail. Your answer should include:
 - a. The date and state of "White Glove's" incorporation, or if it is not incorporated, the date and state of "White Glove's" formation;
 - b. "White Glove's" full and correct corporate or business name;
 - c. A list of "White Glove's" shareholders, directors, officers or members.

Response: WMPI incorporates by reference its Preliminary Statement and General Objections. WMPI further objects to the request as overbroad and assumes facts not in evidence. Subject to and without waiving its objections, upon information and belief and after reasonable good faith investigation, WMPI did not purchase, acquire or merge with and is not liable for 1958-1976 waste disposal activities of White Glove Trash Service at the Site.

8. Please provide any and all information and records regarding your purchase or acquisition of, or merger with White Glove, or the purchase or acquisition of, or merger with White Glove by your subsidiaries.
- a. The purpose of the purchase, acquisition, or merger;
 - b. The date of the sale;
 - c. The sale price;
 - d. A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;
 - e. A list of all waste transportation contracts included or referenced in the purchase or merger agreement;
 - f. A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and
 - g. The names title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.

Response: See Response to RFI 7.

9. List and provide the following information regarding former White Glove employees:
- a. The names and dates of employment of each of these employees;
 - b. The job title and responsibilities of each of those employees; and
 - c. The current addresses and phone numbers of each of those employees.

Response: See Response to RFI 7.

10. List and provide all records regarding the waste types and quantities transported by White Glove or its successors to Clearview.

Response: See Response to RFI 7.

11. List and provide all records regarding the customers serviced by White Glove or its successors that may have been transported to Clearview. For each of these customers, include the following information:
- a. The names, addresses and business types of each customer;
 - b. The types and quantities of waste materials generated by each customer;
 - c. How and where the waste materials were collected from each customer; and
 - d. The services in addition to waste pickup and transportation, provided by you to each of these customers.

Response: See Response to RFI 7.

12. Please describe in detail the document and record retention policies of White Glove, Waste Management, Inc. and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with White Glove.

Response: See Response to RFI 7.

The following questions relate to the entity known as Quick-Way, Inc. a/k/a Quickway Refuse (collectively "Quickway").

13. Please provide any and all information and records regarding your purchase or acquisition of, or merger with Quickway, a Pennsylvania corporation, or the purchase or acquisition of, or merger with Quickway by your subsidiaries.
- The purpose of the purchase, acquisition, or merger;
 - The date of the sale;
 - The sale price;
 - A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;
 - A list of all waste transportation contracts included or referenced in the purchase or merger agreement;
 - A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and
 - The names title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.

Response: WMPI incorporates by reference its Preliminary Statement and General Objections. WMPI further objects to the request as overbroad and assumes facts not in evidence. Subject to and without waiving its objections, upon information and belief and after reasonable good faith investigation, in 1995 USA Waste Hauling of Philadelphia, Inc. (predecessor by merger to WMPI) bought certain assets from Quickway, Inc. Liabilities related to 1958-1976 waste disposal activities at the Site were retained by Quickway, Inc. Further, the Quickway Transfer Station was sold to Republic Services, Inc. in 1998.

14. List and provide the following information regarding former Quickway employees:
- The names and dates of employment of each of these employees;
 - The job title and responsibilities of each of those employees; and
 - The current addresses and phone numbers of each of those employees.

Response: See Response to RFI 13.

15. List and provide all records regarding the waste types and quantities transported by Quickway or its successors to Clearview.

Response: See Response to RFI 13.

16. List and provide all records regarding the customers serviced by Quickway or its successors that may have been transported to Clearview. For each of these customers, include the following information:
- The names, addresses and business types of each customer;

- b. The types and quantities of waste materials generated by each customer;
- c. How and where the waste materials were collected from each customer; and
- d. The services in addition to waste pickup and transportation, provided by you to each of these customers.

Response: See Response to RFI 13.

17. Please describe in detail the document and record retention policies of Quickway, Waste Management, Inc. and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Quickway.

Response: See Response to RFI 13.

The following questions relate to the entity known as 20th Century Refuse Removal Company ("20th Century").

18. Please provide any and all information and records regarding your purchase or acquisition of, or merger with 20th Century, a Pennsylvania corporation, or the purchase or acquisition of, or merger with 20th Century by your subsidiaries.
- a. The purpose of the purchase, acquisition, or merger;
 - b. The date of the sale;
 - c. The sale price;
 - d. A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;
 - e. A list of all waste transportation contracts included or referenced in the purchase or merger agreement;
 - f. A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and
 - g. The names title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.

Response: WMPI incorporates by reference its Preliminary Statement and General Objections. WMPI further objects to the request as overbroad and assumes facts not in evidence. Subject to and without waiving its objections, upon information and belief and after reasonable good faith investigation, in 2009 WMPI bought certain assets from 20th Century Refuse Removal Company. Liabilities related to 1958-1976 waste disposal activities at the Site were retained by 20th Century Refuse Removal Company.

19. List and provide the following information regarding former 20th Century employees:
- a. The names and dates of employment of each of these employees;
 - b. The job title and responsibilities of each of those employees; and
 - c. The current addresses and phone numbers of each of those employees.

Response: See Response to RFI 18.

20. List and provide all records regarding the waste types and quantities transported by 20th Century or its successors to Clearview.

Response: See Response to RFI 18.

21. List and provide all records regarding the customers serviced by 20th Century or its successors that may have been transported to Clearview. For each of these customers, include the following information:
- a. The names, addresses and business types of each customer;
 - b. The types and quantities of waste materials generated by each customer;
 - c. How and where the waste materials were collected from each customer; and
 - d. The services in addition to waste pickup and transportation, provided by you to each of these customers.

Response: See Response to RFI 18.

22. Please describe in detail the document and record retention policies of 20th Century, Waste Management, Inc. and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with 20th Century.

Response: See Response to RFI 18.

The following questions relate to the entity known as Joseph Paolino & Sons, Inc. ("Paolino").

23. Please provide any and all information and records regarding your purchase or acquisition of, or merger with Paolino, a Pennsylvania corporation, or the purchase or acquisition of, or merger with Paolino by your subsidiaries.
- a. The purpose of the purchase, acquisition, or merger;
 - b. The date of the sale;
 - c. The sale price;
 - d. A list of the equipment, buildings, and other business capital that was included in the sale, acquisition, or merger;
 - e. A list of all waste transportation contracts included or referenced in the purchase or merger agreement;
 - f. A list of all the agreements and/or contracts included or referenced in the purchase or merger agreement; and
 - g. The names title, addresses and phone numbers of any of your employees or representatives that may have knowledge of the purchase or merger agreement and its terms.

Response: WMPI incorporates by reference its Preliminary Statement and General Objections. WMPI further objects to the request as overbroad and assumes facts not in evidence. Subject to and without waiving its objections, upon

information and belief and after reasonable good faith investigation, WMPI did not purchase, acquire or merge with and is not liable for 1958-1976 waste disposal activities of Joseph Paolino & Sons, Inc. at the Site.

24. List and provide the following information regarding former Paolino employees:
- The names and dates of employment of each of these employees;
 - The job title and responsibilities of each of those employees; and
 - The current addresses and phone numbers of each of those employees.

Response: See Response to RFI 23.

25. List and provide all records regarding the waste types and quantities transported by Paolino or its successors to Clearview.

Response: See Response to RFI 23.

26. List and provide all records regarding the customers serviced by Paolino or its successors that may have been transported to Clearview. For each of these customers, include the following information:
- The names, addresses and business types of each customer;
 - The types and quantities of waste materials generated by each customer;
 - How and where the waste materials were collected from each customer; and
 - The services in addition to waste pickup and transportation, provided by you to each of these customers.

Response: See Response to RFI 23.

27. Please describe in detail the document and record retention policies of Paolino, Waste Management, Inc. and any other company or entity, including any intermediary owner, which purchased, acquired, or merged with Paolino.

Response: See Response to RFI 23.

Prisk, Carlyn

From: Riegle, Catherine [CRiegle@wm.com]
Sent: Monday, June 03, 2013 11:15 AM
To: Pugh, Bonnie
Cc: Prisk, Carlyn
Subject: WMPI's Response to Clearview Landfill 104(e) Request
Attachments: Clearview 104e Response.PDF

Please see attached Waste Management of Pennsylvania, Inc.'s Response to EPA's 104(e) Request for Information regarding Clearview Landfill and the following entities: Maritime a/k/a Maritime Ship Building or Maritime Waste; Quick-Way, Inc. a/k/a Quickway Refuse; White Glove Trash Service; 20th Century Refuse Removal Company; and Joseph Paolino & Sons, Inc.

Catherine R. Riegle Finley
Senior Legal Counsel, HS&E
Waste Management
First City Tower, 42nd Floor
1001 Fannin, Suite 4000
Houston, TX 77002
(713) 394-5330 direct
(832) 457-7344 cell
(866) 591-0540 facsimile

This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Recycling is a good thing. Please recycle any printed emails.

104(e) TRACKING UPDATES

FILE USER PRISKEXT. 2625SITE NAME LOWER DARBY CREEK DATE 4/30/14PRP NAME WASTE MANAGEMENT, INC DSN PA-3424

COMMENTS:

SDMS

LIT HOLD

Please indicate "PFE" or "CBI" on appropriate documents.

REMEDIAL ENFORCEMENT PLANNING**2c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

REMEDIAL ENFORCEMENT IMPLEMENTATION**4a NEGOTIATIONS/SETTLEMENTS**

- ☐ 104(e) Letters re: *De Minimis* Settlement
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses re: *De Minimis* Settlement

REMOVAL ENFORCEMENT PLANNING**7c CORRESPONDENCE BY PRP**

- ☐ 104(e) Letters
- ☐ Follow-up 104(e) Letters
- ☐ 104(e) Responses

☒ FILE☐ RETURN TO USER

DATE COMPLETED _____

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Waste Management, Inc.
David P. Steiner, President and CEO
1001 Fannin Street
Suite 4000
Houston, TX 77002

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 1680 0005 4384 6199

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
Lower Darby 1650 ARCH STREET
Creek MAIL CODE _____
PHILADELPHIA, PA 19103-2029
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300**

**CWP
3HS62**

3206799



U.S. POSTAL SERVICE
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage

Sent To

Street, Apt.
or PO Box

City, State, Zip

Waste Management, Inc.
David P. Steiner, President and CEO
1001 Fannin Street
Suite 4000
Houston, TX 77002

FEB 21 2013

Postmark
Here

See Reverse for Instructions

PS Form 3800, June 2002

66179 4854 5000 0897 E002

- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
 - Certified Mail is *not* available for any class of international mail.
 - **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
 - For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
 - For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
 - If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.
- IMPORTANT: Save this receipt and present it when making an inquiry.**
Internet access to delivery information is not available on mail addressed to APOs and FPOs.